

STATEMENT BY STATE SUPERINTENDENT TOM HORNE REGARDING LAWSUIT BY FIVE CHARTER SCHOOLS

As a long-term, strong supporter of charter schools, I was upset by a lawsuit brought against me by five charter schools. Here is my perspective:

I. Importance of History Standards.

There is nothing in the law of nature that says that the United States must survive as a representative republic with free institutions. The founding fathers were well aware of the number of republics in history that had degenerated, and that institutions would be preserved only if each generation of Americans were educated in our history and knowledgeable about the reasons to preserve these institutions.

A country that does not know its history is like an individual who has lost his memory: he does not know where he has been, he does not know where he is going, and he does not know who he is.

Many people are shocked to learn that when I took office in 2003, under the existing history standards, high school students were not learning about the Declaration of Independence, the Constitution, the founding fathers, or the ideas on which our country is based. Under the existing standards, the last time they learned those things was in the 7th grade, when they were 13 years old. Similarly, in world history, the last time they learned about the Greco-Roman basis for western civilization was in the 6th grade when they were 12 years old.

In the 2002 election, I promised to correct this. Working with the state board my first year in office, we revised the standards, so that now Arizona students do learn about the Declaration of Independence, the Constitution, the founding fathers, the ideas on which this country was founded, and the Greco-Roman basis for western civilization in high school. That was a promise made and a promise kept.

The next step was to reform the state history standards, grades kindergarten through high school. The idea is that students should be exposed to content rich history, American history and its basis in western civilization (as well as world history in general), starting from the earliest grades. Students are exposed to these ideas early on, and spiral in higher grades, studying them in greater depth. By the time they reach high school, they have sufficient background to study them in depth.

I introduced this concept in a group of schools, as a member of the Paradise Valley School Board in 1997. Students in those schools who were then in the early grades are now in high school, and the high school teachers are ecstatic that they are receiving students so knowledgeable that they can teach history and science in greater depth than ever before.

After I became state superintendent, we developed content rich history standards, grades k-high school. They can be reviewed at www.ade.az.gov/standards/sstudies/articulated. The chief historian of the History Channel held a press conference and stated: "In developing the Multimedia Classroom, we analyzed the history curriculum of every state and it was Arizona that stood head and shoulders ahead of the other 49. (Emphasis added.)

Persuading the state board to adopt these standards involved two years of hard work. Some teachers protested that it was too much work. "Progressive" educators protested that children should be allowed to enjoy their childhood, and could not handle such hard material. (I referred them to schools already teaching content-rich history and science in the early grades, such as "core knowledge" schools, where young students not only master the material, but love it.) The most absurd moment was reached when the superintendent of the Tombstone district testified that having children of Mexican background learn Greco-Roman history was a violation of the Treaty of Guadalupe-Hidalgo. (Really. I have a tape of the meeting.)

After postponements that lasted several months, the state board eventually adopted the standards. This is important. Working with schools, we find a surprisingly large number, both district and charter, that teach no history at all. This must be corrected.

No single issue has absorbed more of my personal energy, and passion, than making sure that our students learn our history. Establishing content rich history standards, recognized as the best of the 50 states by the chief historian of The History Channel, represents a major achievement to prepare students for citizenship, and the survival of our institutions.

The lawsuit filed by the five charter schools,, if successful, would destroy this achievement.

II. Standards v. Curriculum.

Standards set forth what students must know and be able to do at the end of the year in a given subject. Curriculum is how the materials are taught. We have never sought to interfere in anyone's curriculum, and would not do so. We encourage charters to experiment with curriculum. But there are things that students should know and be able to do by the end of the year (standards), regardless of how those things were taught (curriculum).

For example, the standards say that students should be able to add and subtract by the end of first grade without regrouping and by the end of second grade with regrouping. There are a number of curricula to get there: traditional (memorization); constructivist (reasoning to answers); Singapore methods (word problems); and so on. The schools choose their own curriculum. But, by the end of the year, students must be able to add and subtract. That is the importance of state standards.

One cause of confusion has been that standards are articulated by grade level. They used to be by groups of grades (1-3, 4-8, 9-10, etc.). But in recent years the federal government has required that students be tested in reading and math in every grade between 3 and 8. You cannot have a test without standards to base it on. All 50 states therefore articulated standards for each grade level. It didn't make sense to do this for reading and math, and not for science and history.

Articulating standards by grade level does not convert them into curriculum. On the contrary, articulating standards by grade level has become a common practice among states.

III. Statutory Authority.

Charter schools are tax supported and are defined in statute as public schools. While exempt from many regulations that apply to district schools, they are subject to ARS sec. 15-203(A)(1) which provides that the state board shall "exercise general supervision over and regulate the conduct of the public school system and adopt any rules and policies it deems necessary to accomplish this purpose." If that does not mean the state board can adopt standards, it does not mean anything.

IV. Contractual Agreements.

The five schools are attempting to renege on their charters.

As an example, the charter of the Basis Schools, one of the plaintiffs, states:

...The BASIS SCOTTSDALE curriculum will be aligned with Arizona State Standards requirements and will exceed these standards in many areas...

Excerpt of Charter Contract between State Board of Charter Schools and BASIS-Scottsdale, p. 9 (emphasis added).

The Charter of Mesa Preparatory Academy is even more specific:

The Headmaster will be responsible for the direct supervision of the instructional staff to insure the integration of State Academic Standards into their daily instruction by reviewing lesson plans, conducting walkthroughs, and performing teacher evaluations.

Excerpt of Charter Contract State Board of Charter Schools and Mesa Preparatory Academy Charter, p. 514 (emphasis added).

V. Nature of the Five Plaintiffs.

The five charter schools that brought this action are all excellent schools. The problem that gave rise to the lawsuit appears to be that some of them wish to teach ancient and medieval history in 7th and 8th grades, and reach American history only in

9th grade, whereas the standards call for the teaching of some American history in 7th and 8th grade. Standards are minimal. Schools are expected to exceed them. These excellent schools could meet the minimal standards in American history and still teach as much ancient and medieval history as they wish.

I also suggested a proposed settlement. We would reconvene the teachers' task force, and create some alternative standards that would permit teaching history as these schools do, as long as they would give summer school remediation in American history for students transferring to schools where American history had been taught in 7th and 8th grade. This was rejected by the five schools "out of hand."

Their students will do fine (except those who transfer prior to 9th grade). But it appears that they don't care whether the other students in the state learn any history or not. As state superintendent, I have a different perspective. If the five schools succeed in court, and establish that charter schools are entirely free of standards, then the situation will continue where many district and charter schools teach no history at all, or teach it inadequately.

This would apply to all subjects. A charter school could decide to teach addition, subtraction, and multiplication, but not division, and the student would be unprepared for life.

VI. Effect on the Charter Movement

I have been a strong supporter of the charter movement since I was a legislator in the 1990's. As chair of a Conference Committee on an Education Omnibus Bill, I killed the "Hartley amendment" which would have limited the growth of charter schools. Since then, Arizona charters have grown to where we are clearly the country's leader in charters, with 462 charters now flourishing in Arizona. I have taken great pride in this growth, and worked as Superintendent to help charters in any way I can.

I conducted a study which showed that, making adjustments for construction and other factors, charters get, on average, about \$932.21 less per student than district schools. I have urged that the legislature appropriate about \$83 million to correct this inequity, and a small step in that direction was taken by the legislature last year.

Charter proponents over the past decade have often pointed out that they are subject to standards (which they have been, in reading, writing, and math), just as district schools are. I will continue fighting for equalized funding whatever happens. But if opponents of charters can argue that district schools are subject to standards but charters aren't, because of an unfavorable court ruling in this case, this will be a serious blow to our ability to persuade people.

If, on the contrary, there is a favorable court ruling, we will continue to encourage charters to experiment with curriculum, as long as they meet standards for what students know and can do by the end of each year.